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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,747	04/27/2006	Ioan Ghergheli	113601-0184	2810
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ANN ARBOR, MI 48104				
EXAMINER				
BLANKENSHIP, GREGORY A				
ART UNIT		PAPER NUMBER		
3612				
NOTIFICATION DATE		DELIVERY MODE		
06/23/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/577,747

Applicant(s)

GHERGHELI ET AL.

Examiner

GREGORY BLANKENSHIP

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE filed 2/27/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 8-10 and 12 is/are allowed.
- 6) ☒ Claim(s) 4-7, 11 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/27/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 4-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Fowler et al. (5,702,145).

Fowler et al. disclose a method of stowing a second row seat (28) of a vehicle. The second row seat is coupled to the floor by a track (32) behind the first row seat (18), as shown in Figure 3. The second row seat (28) has a seat cushion (42), and a seat back (50), as shown in Figure 3. The second row seat (28) has a lever (48) that is manipulated to stow the seat. The seat cushion (42) is rotated forward and downward such that the seat cushion is flush with the vehicle floor, as shown in Figure 5. The seat back is rotated forward to a position that is adjacent to the seat cushion, as shown in Figure 5. In reference to claim 5, the position shown in Figure 5 is considered to be a design position. The claim does not specify the orientation of the seat back that constitutes the design position. In reference to claim 6, the seat is moved along the track to a pre-selected position at the front of the track, as shown in Figure 3. In reference to claim 7, the seat is locked in position, including the pre-selected position, as disclosed on lines 15-38 of column 3.

3. Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Sugimoto et al. (US 2002/0043850).

Sugimoto et al. discloses a method of moving a non-first row vehicle seat that is coupled to the vehicle in a track (2). A first mechanism, lever (12), is manipulated to adjust the seat cushion (4) to flip forward. The seat cushion is rotated to a vertical position (P3), as shown in Figure 2. The non-first row seat is slid along the track to a pre-selected position after the seat cushion is rotated to position (P3), as disclosed in paragraphs [0061-0062].

4. Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Takada et al. (5,112,109). Takada et al. disclose a vehicle seat having a seat back (1) that may be pivotally adjusted, as shown in Figures 1 and 5. The seat has a seat cushion (1) that may be pivotally adjusted, as shown in Figure 5. The seat has a track assembly (5) that allows the seat to slide along the track assembly (5) in a first and second direction, as shown in Figure 5. A linkage assembly (3,4,25) has a first end pivotally coupled to the rear of the seat cushion (1) about hinge pin (4) and a second end pivotally coupled to the seat back (2) about hinge pin (3), as shown in Figures 1 and 2.

Allowable Subject Matter

5. Claims 1-3, 8-10, and 12 are allowed.

Response to Arguments

6. Applicant's arguments filed 2/27/2009 have been fully considered but they are not persuasive. The applicant has argued that Fowler et al. do not disclose the claimed method, specifically moving the seat cushion forward and downward such that the seat cushion is closer to the floor. The examiner disagrees with this argument because this feature is shown in Figure 5. The seat cushion has been moved to a position that is both forward and downward of the position shown in Figure 3 such that the seat cushion rests on the vehicle floor. The examiner agrees that Fowler et al. do not disclose the seat cushion is pivotally coupled to the seat back, but this feature is

only in the preamble of the claim and is a structural limitation in a method claim. The examiner suggests tying the structural limitation of the pivotal connection between the seat cushion and the seat back to a step in the method to properly include this feature. "Moving the seat cushion forward and downward about a pivotal connection with the seat back such that the seat cushion is closer to the floor", would be an example of the proper way to include this structural limitation in a method claim.

7. The applicant has argued the rejection of claim 11 stating Sugimoto does not disclose a seat cushion pivotally coupled to a seat back moving in the claimed manner. The examiner agrees Sugimoto does not disclose a seat cushion pivotally coupled to a seat back, but this feature is only in the preamble of the claim and it is a structural limitation in a method claim. The applicant can overcome the rejection in a similar to that suggested in paragraph 6 of this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREGORY BLANKENSHIP whose telephone number is (571)272-6656. The examiner can normally be reached on 7-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Greg Blankenship/
Examiner, Art Unit 3612
June 17, 2009